

## HUMAN SERVICES BOARD

# INTRODUCTION

## FINDINGS OF FACT

3. After a \$90 deduction, DCF determined that the petitioner's countable income was \$1,210.60 per month, and

notified her on July 1, 2004 that her VHAP would end on July 31 because she was over the income maximum.

4. The petitioner provided DCF with more recent income figures following this notice which showed that she actually had a gross income of \$1,283 per month from her self-employment and caretaking duties. However, after the \$90 deduction, DCF continued to find the petitioner's new net income of \$1,193 per month to be \$29 over the limit for assistance.

5. The petitioner says that she cannot afford to buy her own health insurance and asked for an exception in her case since she was so close to the line. She also says that her income in caring for her mother varies and during some months she might be under the limit. She is contemplating getting someone else to help her care for her mother so that she can insure a uniform number of hours each month that will not move her on and off benefits.

ORDER

The decision of the Department of Children and Family Services is affirmed.

REASONS

The VHAP regulations count all income from employment and self-employment (after expenses are deducted) when considering eligibility. VHAP 4001.81(c) and (d). This gross income is subjected to a standard employment expense deduction of \$90 per month. The net is used to determine eligibility by comparing the figure to a maximum for the household size. VHAP 4001.84. If the income is not under that maximum amount the individual is considered to have no financial need and is ineligible for VHAP.<sup>1</sup>

The petitioner's countable income was correctly determined to be \$1,193 per month (\$1,283 gross income minus \$90 standard employment expense). The maximum in the VHAP program for an individual is \$1,164 per month. P-2420B. Since the petitioner's income is in excess of the maximum, she cannot be eligible for the VHAP program. As DCF's decision is in accord with its regulations, the Board is bound to uphold the result. Fair Hearing Rule 17, 3 V.S.A. § 3091(d). The Board does not have the power to make exceptions to the rules. The petitioner is advised to reapply immediately for VHAP at

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<sup>1</sup> It should be noted that the petitioner was found eligible for Health Vermonters program which provides some assistance with paying for medication.

any time she feels her income may be within the above standard.

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